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CLIENT/MATTER NUMBER
641930-0006

February 1, 2021

Via E-Mail

Mark Garvey
Waste and Chemical Enforcement Division
Office of Civil Enforcement
United States Environmental Protection Agency
1200 Pennsylvania Ave NW (Mail Code 2249A)
Washington, DC 20460

Re: First Response to TSCA Section 11 Request to Enhance
Technologies dated January 14, 2021 (the "Information
Request") relating to per and poly fluorinated substances
("PFAS") regulated under the Toxic Substances Control Act
("TSCA")

Dear Mr. Garvey,

As you are already aware, I have been engaged to assist Enhance Technologies LLC ("Enhance") with regard to its response to the above-referenced Request. Thank you again for taking the time to discuss the Information Request with me last week. Enhance takes its responsibility for environmental compliance very seriously. As we discussed, we welcome the opportunity to work with the EPA to better understand fluorinated plastics in general, and our processes and services in particular. Like EPA, we are eager to learn more about the nature and origin of the PFAS that triggered EPA's request.

Per our discussion and your email of January 25, 2021, this letter accompanies Enhance's first partial response to the Information Request and addresses those matters requested in Section A of the Information Request. As we agreed, we plan to provide responses to Section B of the Information Request not later than February 8, 2021. We understand that we will discuss the scope and timing of future submittals with you in more detail over the coming weeks.

Please note that since additional submittals from Enhance will be forthcoming, we have modified the requested IRL Response Statement to reflect this. We will provide a full and final Response Statement at the time that Enhance has fully addressed each of EPA's requests.

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FOLEY & LARDNER LLP

Mark Garvey
February 1, 2021
Page 2

Should you have any questions or concerns about this letter or any of the information provided, please do not hesitate to reach out to me at 407-244-3236 or dwatson@foley.com. I look forward to continuing to work with you on this matter.

Best regards,

A handwritten signature in black ink, appearing to read 'Dorothy E. Watson'.

Dorothy E. Watson

DEW:

cc: Andrew Thompson

**FIRST PARTIAL RESPONSE OF INHANCE TECHNOLOGIES TO
EPA TCSA SECTION 11 INFORMATION REQUEST DATED JANUARY 14, 2021**

Inhance Technologies LLC (“Inhance”), hereby submits the following responses and objections to the United States Environmental Protection Agency (“EPA”) Request for Information dated January 14, 2021 (the “Information Request”), which EPA issued pursuant to CWA Section 11 of the Toxic Substances Control Act (“TSCA”) to investigate “products manufactured, processed or used by [Inhance] that [EPA determined] potentially contain per and poly fluorinated substances (“PFAS”) regulated under [TSCA]. As previously discussed, this first partial response addresses only those requests (“Requests”) contained in Section A of the Information Request. Inhance’s responses contained herein (“Responses”) are based on its understanding and knowledge as of the date of this response, and Inhance reserves its rights to supplement and/or amend the Responses, as appropriate. Inhance further reserves its right to supplement and/or raise any objections it may have to questions not answered in full in this initial response.

The Responses are made subject to the General Objections to the Information Request, which are provided prior to the Responses and are hereby incorporated into each subsequent Response.

Inhance General Objections to the Information Request

Inhance makes the following general objections and hereby incorporates each of them by reference into the Responses set forth below:

1. Inhance objects to the Information Request and each Request in the Information Request to the extent that it exceeds the scope of EPA’s authority to obtain information or documents pursuant to Section 11(c) of TSCA, 15 U.S.C. § 2610(c).
2. Inhance objects to the Information Request and each Request in the Information Request to the extent that it requests information pertaining to materials not regulated under TSCA.
3. Inhance objects to each Request in the Information Request to the extent that the Request seeks information or the identification of or production of documents that are not relevant to identifying or assessing products manufactured, processed or used by Inhance that potentially contain PFAS regulated under TSCA, and are not reasonably calculated to lead to the discovery of material relevant to EPA’s implementation of TSCA.
4. Nothing herein shall be construed as an admission by Inhance regarding the admissibility or relevance of any fact or document. Any production of a document by Inhance is not a concession or admission that the document or its contents are relevant or complete.
5. Inhance objects to each Request in the Information Request to the extent that the Request seeks information or the identification or production of documents protected by the attorney-client privilege, the attorney work-product doctrine, or any other applicable privilege.
6. Inhance objects to each Request in the Information Request to the extent that the Request seeks to impose upon Inhance an obligation to respond for or on behalf of another party

or entity or calls for the disclosure of information or the identification or production of documents not within the possession, custody, or control of Inhance.

7. Inhance objects to each Request in the Information Request to the extent that the Request seeks disclosure of information or documents concerning products or services of Inhance not involving fluorination of plastic containers. Inhance asserts this objections on the following grounds: (i) such requests are overly broad; (ii) the information and/or documents sought therein is not relevant and not reasonably calculated to lead to the discovery of relevant information; (iii) the information and/or documents sought therein would be unduly burdensome and expensive to disclose; and (iv) the information and/or documents sought therein is potentially privileged and/or of a confidential or proprietary nature, the disclosure of which could adversely affect Inhance or third parties.

8. Inhance objects to each Request in the Information Request to the extent that the Request seeks information and/or documents that are confidential, proprietary, or a trade secret, except to the extent such information is protected as Confidential Business Information by requestor. To the extent that Inhance produces documents or provides information that it considers Confidential Business Information in response to the Information Request, those documents will be provided in compliance with the requirements of Section 14 of TSCA, 15 U.S.C. § 2613 and 40 C.F.R. § 2.208.

9. Inhance objects to the definition of the term “PFAS” as vague, ambiguous, overly broad, and unduly burdensome. The present definition of “PFAS” would necessarily include at least 5,000 different chemical substances including but not limited to fluorinated polymers which have been regarded by EPA as substances of low concern. (*See* EPA Polymer Exemption Guidance Manual, Section 4.2.2 (June 1997); *see also* 40 C.F.R. § 721.10536(b)(4)(iii) excluding fluoropolymers as part of articles from the significant new use rule applicable to perfluorooctanoic acid (“PFOA”) and its salts).

10. Inhance objects to the definition of the term “products” as vague, ambiguous, overly broad, and unduly burdensome. Inhance represents that with the exception of certain polymer ingredients sold to third-parties for further processing, it does not manufacture or import any products. Inhance does not manufacture or sell plastics or containers. Nor does it manufacture or sell any surface coatings. Therefore, for purposes of the Responses other than Requests 2 and 4, Inhance clarifies that “products” shall refer to container fluorination services and processes provided by Inhance associated with their Barrier Packaging business line.

Inhance Responses to EPA Requests

A. ***General Company Information.*** *Within 14 calendar days of the date of this letter, provide the following information:*

1. *All names used by your company to identify itself in any previous submissions to or communications with the EPA;*

Inhance incorporates the above general objections and further objects to this question as to the vague and ambiguous term “your company.” Inhance also objects to this question to the extent it calls for information outside of Inhance’s knowledge or control. For purposes of this response, Inhance interprets “your company” to refer to Inhance

Technologies LLC. Subject to the general and specific objections, to the best of its knowledge, any submissions to or communications between the company and EPA have conducted under the name Fluoro-Seal International LP or Inhance Technologies LLC.

2. *A brief (1 page) history of company ownership and scope of business including the identification of types of products your company manufactures or processes;*

Inhance incorporates the above general objections and further objects to this question as to the vague and ambiguous term “company.” For purposes of this response, Inhance interprets “your company” to refer to Inhance Technologies LLC. In addition, Inhance objects to the request for company ownership information as not reasonably related to the EPA’s obligations to carry out TSCA. Subject to the general and specific objections, Inhance responds as follows:

The business that was to become Inhance was founded in 1983 by William Brown and Edwin Ballard as Fluoro-Seal International LP. Fluoro-Seal International LP became Inhance Technologies LLC through a reorganization in 2014.

Inhance has been developing innovative technologies since 1983 and solutions that drive global change and reduce environmental impact. We are a Responsible Care® certified company and are certified to RC14001:2015 standards. Responsible Care® is the chemical manufacturing industry’s environmental, health, safety, and security performance initiative. For more than 30 years, Responsible Care has helped American Chemistry Council (ACC) member companies significantly enhance their performance and improve the health and safety of their employees, the communities in which they operate and the environment as a whole.

Inhance was initially founded in 1983 to provide barrier packaging technology for the benefit of the agrochemicals industry. Our technologies and processes use net zero water and produce zero waste. We work on a global scale, with operations in the Americas, Australia, and Europe.

Inhance uses elemental fluorine gas to modify plastics for better performance. Inhance does not use any PFAS as an ingredient in any of its manufacturing processes. There are 4 types of offerings that Inhance Technologies is involved with;

1. Barrier Packaging – Enkase barrier technology is a unique fully recyclable barrier technology that creates a permanent barrier for plastics packaging. This barrier technology ensures that contents of the package remain in the package and do not permeate and pollute the environment. It also minimizes degradation that can reduce the efficacy of the materials that are stored inside plastic containers. Inhance has conducted extensive life cycle analysis on our packaging technology and has proven that Enkase is the most sustainable barrier packaging technology available globally, taking into account factors such as recyclability, water usage, and net carbon emissions. The barrier packaging business uses elemental fluorine gas to impart these protective qualities to pre-molded plastic containers. Inhance does not manufacture or supply the plastic containers. Inhance does not use any PFAS to produce its barrier packaging technologies offerings.

2. Surface Technologies – Is a collection of technologies that permanently modifies materials’ surface properties to block fuel permeation, decrease

friction in wear environments, promote adhesion, resist stains, and prepare surfaces for decoration. The surface technologies business uses elemental fluorine gas to modify plastics surfaces for these functionalities. Inhance does not manufacture or supply the plastic items whose surfaces are being modified. Inhance does not use any PFAS to produce any of its surface technologies offerings.

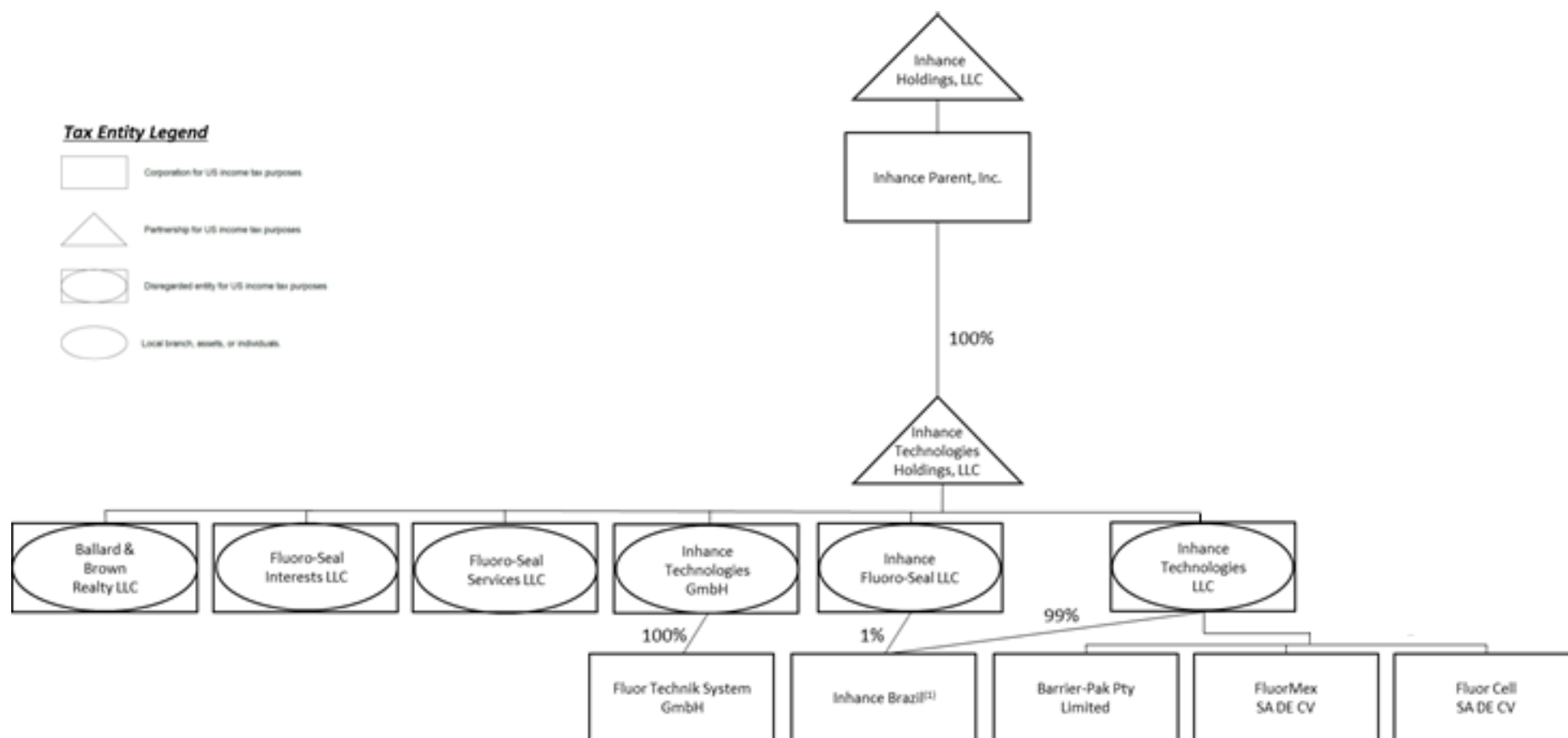
3. Ingredients – A range of polymeric and metallic powders that brings durability, wear resistance and mechanical strength to a variety of end products including formulated elastomers, adhesives, coatings, and engineering resins. Polymeric particles and powders supplied by a variety of third parties are treated by Inhance using elemental fluorine gas to make them compatible with other materials for various applications. Inhance Technologies does not use PFAS in its process to treat materials sold through its ingredients business.

4. Purifying – Inhance Technologies' Fixpure technology safely eliminates certain PFAS from impacted fluoropolymers while maintaining the desired performance characteristics. For example, PTFE micropowders are a valuable tool used in a wide range of industries, from industrial to healthcare. However, during the manufacturing process of PTFE micropowders, PFOA is generated as a byproduct. REACH regulations mandate the permissible amount of PFOA in PTFE micropowders to be 1000 ppb, a level that will be lowered to 25 ppb in July 2022. Most existing technologies are only moderately capable of reducing levels of PFOA in PTFE micropowders to these target levels. Inhance Technologies Fixpure technology can reduce PFOA in PTFE micropowders to less than 100 ppt (parts per trillion). This technology ensures that products made using PTFE micropowders are safe and compliant in various applications by virtually eliminating PFOA and certain other PFAS species.

3. *Corporate structure, including foreign and domestic parent companies;*

Inhance incorporates the above general objections and further objects to this question as to the vague and ambiguous terms “corporate structure” and “parent companies”. In addition, Inhance objects to the request for company ownership information as not reasonably related to the EPA’s obligations to carry out TSCA. Subject to the general and specific objections, Inhance replies that excluding private equity partners and entities in which the Inhance entities do not have a controlling share, the structure of companies affiliated with Inhance Technologies LLC as follows:

Tax Entity Legend

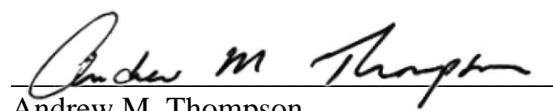


4. *A list of all U.S. facilities owned by the company, including subsidiaries and contracted manufacturers and their locations, the names of the products identified in Question A.2 that are manufactured or processed at each of those facilities, and the types of the technologies and processes used at each of those facilities.*

Inhance incorporates the above general objections and further objects to this question as to the vague and ambiguous term “contracted manufacturers.” Subject to the general and specific objections, Inhance replies as follows. A list of all U.S. facilities is provided below. Each of the U.S. Locations identified below is operated by Inhance Technologies LLC. Facilities identified with an asterisk (*) are Inhance operations co-located at customer facilities. No Inhance subsidiaries operate facilities in the United States. Inhance does not employ toll manufacturers for the creation of its products or performance of its services.

US Locations	Which offerings are produced at each facility from Question A.2
202 Cascade Drive, Allentown, PA 18109	Barrier Packaging, Surface Technologies
29 Royal Drive, Forest Park, GA 30297	Barrier Packaging, Surface Technologies
2800 Industrial Park Road, Centerville, IA 52544 *	Barrier Packaging, Surface Technologies
1733 Downs Drive, West Chicago, IL 60185	Barrier Packaging, Surface Technologies
6675 Huntley Road, Suite D, Columbus OH 43229	Barrier Packaging, Surface Technologies
1 Cal Turner Jr Drive, Homerville, GA 31634*	Barrier Packaging, Surface Technologies
22008 N Berwick Drive, Houston, TX 77095	Barrier Packaging, Surface Technologies, Ingredients, Purifying
2226 Commerce Drive, Mt. Pleasant IA 52641	Barrier Packaging, Surface Technologies
6821 Hazelwood Avenue, St Louis MO 63134	Barrier Packaging, Surface Technologies
7211 E 30 th Street Suite A, Yuma AZ 85365	Barrier Packaging, Surface Technologies
6814 Kirbyville St, Houston, TX 77033*	Barrier Packaging
279 Pike County Lake Rd, Troy, AL 36079*	Surface Technologies

All statements provided in the above responses to this information request are true and accurate to the best of my knowledge and belief. I acknowledge that this statement is submitted to the United States in connection with a matter within the jurisdiction of the EPA and that any material false statement of fact herein may be a federal crime under 18 U.S.C. § 1001.

 Date: February 1, 2021
 Andrew M. Thompson
 President & CEO
 Inhance Technologies LLC